

CITY OF HOLLADAY

ORDINANCE NO. 2014-03_

**AN ORDINANCE AMENDING CHAPTER 13.76.400 – DEVELOPMENT
NEAR WATERWAYS.**

WHEREAS, Section 10-9A-501 *et seq.*, Utah Code Annotated, 1953, as amended, grants the authority to municipalities to enact land use ordinances; and

WHEREAS, the Holladay City Planning Commission has reviewed a potential amendment and held commission discussion during various public meetings during September through December 2013 to discuss a portion of Section 13.76.400 pertaining to development near waterways; and

WHEREAS, the Commission has held a noticed public hearing regarding Chapter 13.76.400 on January 7, 2014; and

WHEREAS, the Commission has recommended favorably to the Holladay City Council ("Council") the section be considered to be revised; and

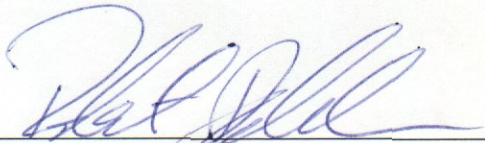
WHEREAS, the Council has also conducted a noticed public hearing regarding this section on February 6, 2014; and

WHEREAS, said section received favorable support during the hearings.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Holladay, Utah as follows:

That Chapter 13.76.400 Development Near Waterways be amended to read as shown on Exhibit A attached hereto.

PASSED AND APPROVED this 20th day of February, 2014.

By: 
Robert Dahle, Mayor

[SEAL]



VOTING:

Lynn H. Pace	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. James Palmer, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Sabrina R. Petersen	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Patricia Pignanelli	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Steven H. Gunn	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Robert Dahle	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

ATTEST:

Stephanie N. Carlson
Stephanie N. Carlson, MMC
City Recorder

DEPOSITED in the office of the City Recorder this 20th day of February, 2014.

RECORDED this 20th day of February, 2014.

EXHIBIT A

Text recommended by Planning Commission
on 1-7-14 and adopted by City Council on 2-20-14

13.76.400: Development Near Waterways:

- A. Any buildable area or portion of a buildable area, fence or structure shall not be closer than twenty feet (20') to any manmade drainage, fifty feet (50') to an ephemeral stream or natural drainage channel, or one hundred feet (100') to a perennial stream. The planning commission may grant an exception to this requirement with the consent of the city engineer and the concurrence of any state or federal regulatory body with jurisdiction over such waterways.
- B. Existing waterways including irrigation ditches, irrigation pipes, storm drain channels, storm drain pipes, and related facilities shall be preserved in function and capacity and a permit is required for any modification to any such waterway. (Ord. 2012-15, 9-20-2012)
- C. Piping of Existing, Canals and Ditches. Irrigation ditches, also known as "Laterals", and canals were historically designed and used as open-channel water conveyances, however, urban encroachment has created a need to pipe these facilities. Piping of existing open-channel facilities is permissible subject to the following:
 - 1. A permit is required for changing any irrigation canal or ditch, means of conveyance or alignment. Applicant shall provide necessary details to the City Engineer and certify that the proposed changes will not adversely impact the capacity or functioning of the canal or ditch, nor hinder the ability to deliver water to those with a water right.
 - 2. The permit will be subject to the review and approval of the City Engineer and as appropriate the City Attorney.
 - 3. Current and future landowner(s) are responsible for the perpetual and continual maintenance and condition of the piping along and through their property

4770 S. 5600 W.
P.O. BOX 704005
WEST VALLEY CITY, UTAH 84170
FED.TAX I.D.# 87-0217663
801-204-6910

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PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
CITY OF HOLLADAY, 4580 SOUTH 2300 EAST HOLLADAY UT 84117	9001348700	1/23/2014

ACCOUNT NAME			
CITY OF HOLLADAY,			
TELEPHONE		ADORDER# / INVOICE NUMBER	
8012729450		0000932974 /	
SCHEDULE			
Start 01/23/2014		End 01/23/2014	
CUST. REF. NO.			
CC PH Stream Exception			
CAPTION			
NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Holladay City Council will			
SIZE			
34 Lines		1.00 COLUMN	
TIMES		RATE	
2			
MISC. CHARGES		AD CHARGES	
		TOTAL COST	
		47.50	

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Holladay City Council will hold a public hearing on **Thursday, February 6th, 2014 as close to 6:30 pm** as possible, in the Holladay City Council Chambers, 4580 S 2300 E, Holladay, UT. The purpose of the hearing is to consider an amendment to the Holladay City Special Exceptions chapter located in Title 13, of the City of Holladay code to amend section 13.080.150.A "Development Near Waterways".

The proposed amendments are available for public inspection and may be examined during regular business hours at the Holladay City offices, 4580 S 2300 E, Holladay, UT 84117.

Dated this 23rd day of January, 2014.
PUBLISHED BY ORDER OF THE
HOLLADAY CITY COUNCIL
Stephanie N. Carlson, MMC
Holladay City Recorder
932974 UPAXLP

AFFIDAVIT OF PUBLICATION

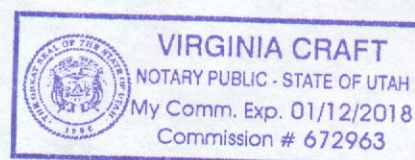
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Holladay City Council will hold a public hearing on Thursday, February 6th, 2014 as close to 6:30 pm** FOR **CITY OF HOLLADAY**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

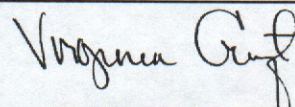
PUBLISHED ON Start 01/23/2014 End 01/23/2014

SIGNATURE 

DATE 1/23/2014

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT




NOTARY SIGNATURE

4770 S. 5600 W.
P.O. BOX 704005
WEST VALLEY CITY, UTAH 84170
FED.TAX I.D.# 87-0217663
801-204-6910

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PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
CITY OF HOLLADAY, 4580 SOUTH 2300 EAST HOLLADAY UT 84117	9001348700	12/23/2013

ACCOUNT NAME			
CITY OF HOLLADAY,			
TELEPHONE		ADORDER# / INVOICE NUMBER	
8012729450		0000929003 /	
SCHEDULE			
Start 12/23/2013		End 12/23/2013	
CUST. REF. NO.			
Plan Comm PH 1/7			
CAPTION			
NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Holladay City Planning C			
SIZE			
35 Lines		1.00 COLUMN	
TIMES		RATE	
2			
MISC. CHARGES		AD CHARGES	
TOTAL COST			
48.75			

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Holladay City Planning Commission will hold a public hearing on Tuesday, January 7th 2013 as close to 7:00 pm as possible, in the Holladay City Council Chambers, 4580 S 2300 E, Holladay, UT. The purpose of the hearing is to consider an amendment to the Holladay City Special Exceptions chapter located in Title 13, of the City of Holladay code to amend section 13.080.150.A "Development Near Waterways".

The proposed amendments are available for public inspection and may be examined during regular business hours at the Holladay City offices, 4580 S 2300 E, Holladay, UT 84117.

Dated this 23rd day of December, 2013
PUBLISHED BY ORDER OF THE
HOLLADAY CITY PLANNING
COMMISSION
Paul Allred,
Community Development Dir.
929003 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Holladay City Planning Commission will hold a public hearing on Tuesday, January 7th 2013 as close to** FOR **CITY OF HOLLADAY**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 12/23/2013 End 12/23/2013

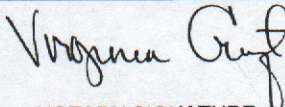
SIGNATURE 

DATE 12/23/2013

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PLEASE PAY FROM BILLING STATEMENT

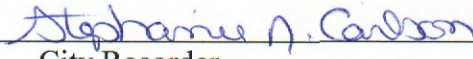


VIRGINIA CRAFT
Notary Public, State of Utah
Commission #587469
My Commission Expires
January 12, 2014


NOTARY SIGNATURE

CERTIFICATE OF PUBLICATION

I hereby certify that Ordinance 2014-03 was passed on the 20th day of February, 2014 and this Ordinance, or a summary hereof, was published in the Salt Lake Tribune according to law on the 27th day of February 2014.


City Recorder

CITY OF HOLLADAY PUBLIC NOTICE OF ORDINANCE ADOPTION

Notice is hereby given that on the 20th day of February, 2014 the Holladay City Council adopted Ordinance 2014-03.

Ordinance 2014-03 amends Chapter 13.76.400 regarding restrictions and responsibilities of development near waterways of existing canals and ditches.

The complete ordinance is available for public inspection during normal working hours from 8:00 a.m. to 5:00 p.m. Monday through Friday in the office of the City Recorder located at 4580 S 2300 E, Holladay, UT.

Dated this 27th day of February, 2014.

BY ORDER OF THE HOLLADAY CITY COUNCIL

Stephanie N. Carlson, MMC
Holladay City Recorder